

*Rules related to Variances
are found in Section 13-400
of the Fauquier County Zoning
Ordinance.*

as members of the general public will have the opportunity to speak regarding the application. After the public hearing is held, the BZA can approve (with or without conditions), deny, or defer the item for further consideration. If the BZA defers the item, it will be brought back at a future meeting date for action.

How can I learn more about the process?

Visit the Zoning and Development Services Division at 29 Ashby Street, Third Floor, Warrenton, VA 20186, or call 540-422-8220. The office is open between the hours of 8:00 a.m. and 4:30 p.m.

FAUQUIER COUNTY

DEPARTMENT OF
COMMUNITY DEVELOPMENT
ZONING & DEVELOPMENT SERVICES

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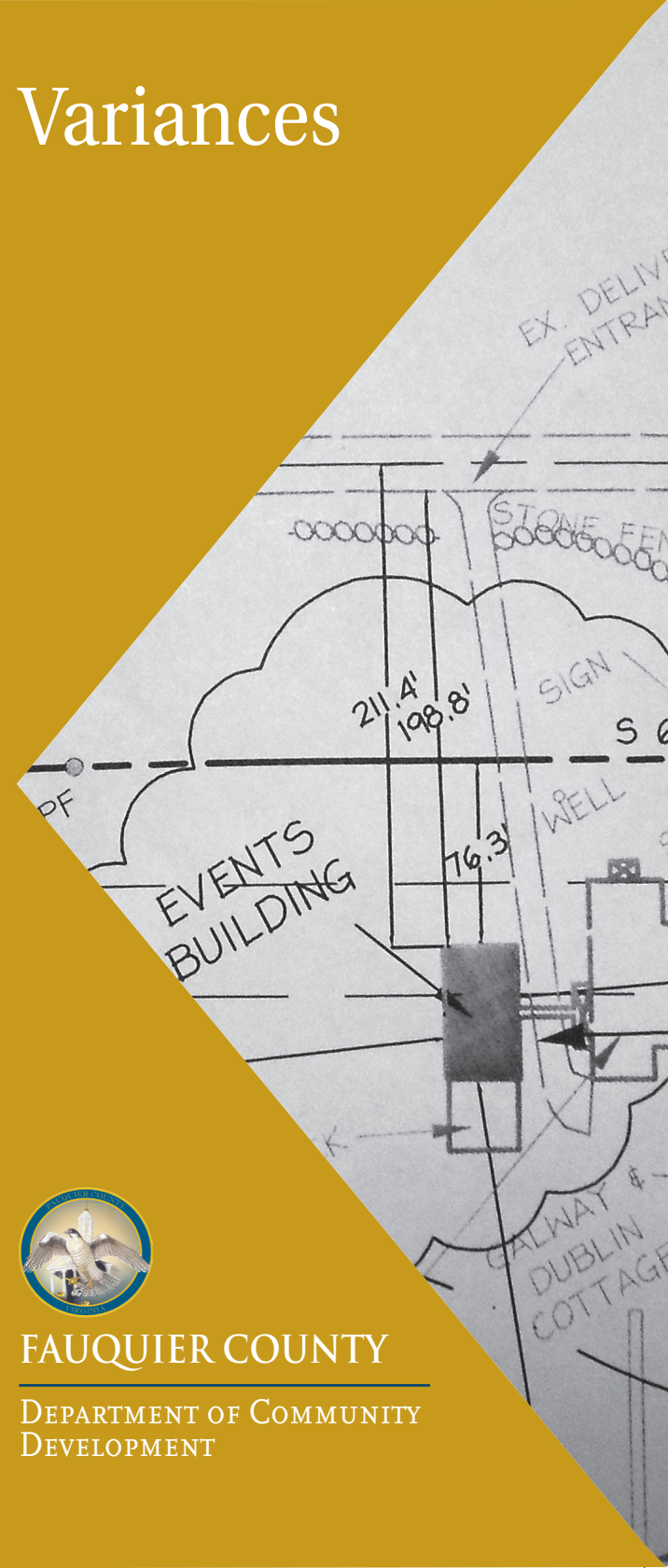
Additional information available online at
www.fauquiercounty.gov

Variances



FAUQUIER COUNTY

DEPARTMENT OF COMMUNITY
DEVELOPMENT



What is a Variance?

A Variance allows a property owner to deviate from Zoning Ordinance provisions regulating the size or area of a lot, or the size, area, bulk or location of a building or structure, because of unique or special characteristics of the property. Rules related to Variances are found in Section 13-400 of the Fauquier County Zoning Ordinance.

How is a Variance approved?

Most Variances are granted by the Board of Zoning Appeals (BZA), a five-member board appointed by the Circuit Court judge. As part of the consideration of each Variance application, the Code of Virginia requires that the BZA hold a public hearing, which allows members of the public to express their opinions about a proposal before the BZA makes a decision on the application.



Am I likely to get a Variance if I apply for one?

The standards for granting a Variance are very stringent. The applicant must demonstrate that

Administrative Variance of Setbacks

The Zoning Administrator is given limited authority to approve variances in setback requirements in three specific situations:

1. When an error was made in locating a building relative to the approved plans. Up to a 10 percent variation to the setback requirement may be approved provided certain standards set forth in Section 13-406 of the Zoning Ordinance are met.
2. A reduction in a front yard setback requirement may be approved in certain instances where the lesser setback is consistent with older buildings in the immediate area or where the Comprehensive Plan promotes a lesser setback, subject to additional limitations set forth in Section 3-400.16 of the Zoning Ordinance.
3. If a lot was legally created prior to adoption of the Zoning Ordinance and does not meet the current lot size and or frontage requirements, reductions to yards may be approved subject to limits set forth in Section 10-204 of the Zoning Ordinance.

the property was acquired in good faith, and that it is the exceptional size or shape or other physical characteristic of the property or surrounding property which do not allow the owner to do what most other similarly zoned properties in the area can do. To grant a Variance, the BZA must determine that to not grant the Variance would effectively prohibit or unreasonably restrict

the use of the property or alleviate a clearly demonstrable hardship. A Variance cannot be granted for a special privilege or for the convenience of the applicant.

How do I apply for a Variance?

Potential applicants are encouraged to meet with Zoning Staff to discuss their property before submitting an application. The BZA meets on the first Thursday of each month, and applications for a Variance must be submitted 35 days prior to the meeting date. After an application has been accepted, it will be reviewed by Zoning staff. Staff will send notices to adjoining property owners regarding the request and the BZA hearing, and will also advertise the request in the local paper. The applicant is required to post notice signs (prepared by staff) on the property at least 15 days prior to the BZA hearing date, and then to provide an affidavit to staff showing that the posting was done at the required time.

What happens after I file a Variance application?

Staff will prepare a report on the application. This staff report will be provided to the BZA, with a copy to the applicant in advance of the meeting. Copies of the report will also be available to the public. The report may include recommendations from staff on appropriate conditions to place on any approval. The day of the BZA meeting, a work session is typically held. Applicants are welcome to attend the work session. The BZA holds its public hearing in the afternoon, starting at 2:00 p.m. The applicant as well